

City Clerk File No. Ord. 14.155

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.155

TITLE: ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF JERSEY CITY, LLC, ITS SUCCESSORS AND/OR ASSIGNS, TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF JERSEY CITY, COUNTY OF HUDSON, STATE OF NEW JERSEY

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

SECTION 1. PURPOSE OF THE ORDINANCE

The Municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and State definitions:

- a. "City," "Municipal" or "Municipality" is or refers to the City of Jersey City, County of Hudson, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Jersey City, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1 et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.

- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the Municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount required by the Act or otherwise allowable by law, whichever is greater. The current franchise fee amount for the Municipality is 3.5% pursuant to N.J.S.A. 48:5A-30(d).

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of Comcast's franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of plant beyond the Primary Service Area.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1 et seq., and all applicable State and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable State and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable State and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BOND

During the life of the franchise the Company shall give to the Municipality a bond in the amount of twenty-five thousand dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its Application.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and State law.

SECTION 14. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ("PEG") ACCESS

- a. Subject to the provisions of Section 16, the Company shall continue to make available a system-wide public access channel, to be maintained by the Company for the purpose of cablecasting non-commercial public access programming in conformance with the Company's published public access rules.
- b. The Company shall continue to provide a system-wide leased access channel, to be maintained by the Company for the purpose of cablecasting commercial leased access programming in conformance with the Company's guidelines and applicable State and federal statutes and regulations.

- c. The Company shall continue to make available a channel for use by the City (the "City Channel"), to be administered by the City for the purpose of cablecasting non-commercial governmental programming produced or provided by the municipal government of the City of Jersey City, its agents or assigns, following guidelines established by the City. The City Channel is currently shared with the Board of Education, which produces or provides non-commercial educational programming in conformance with the Company's guidelines and applicable State and federal statutes and regulations. The City Channel is currently carried on cable channel 1, but may be moved by Company should it so elect, provided, however, that:
- (i) In the event of an initial change of channel designation of the City Channel (such change hereinafter referred to as the "initial change of location"), the Company shall not further relocate the City for a period of three (3) years from the date of the initial change of location, except that said three-year limitation shall not apply in the event of a reorganization of Comcast's channel lineup or if a relocation is necessary in order to comply with the FCC's "must carry" rules, and further provided that
 - (iii) with regard to the initial change of location of the City Channel and any subsequent relocation of the City Channel, the Company shall provide the compensation and assistance required under Section 15f.
- d. The access channels shall be carried in compliance with all applicable FCC rules. All access channels shall be maintained at FCC standards commensurate with those which apply to the Cable System's commercial channels, provided that the Company shall not be responsible for the production quality of PEG access programming.

SECTION 15. COMMITMENTS BY THE COMPANY

- a. The Company shall continue to provide at no cost standard installation and basic cable television service on ten (10) outlets to each school in the Municipality, including all public, parochial and private elementary or secondary schools certified by the State Board of Education and any such new schools constructed during the terms of this franchise, provided the school is within two hundred (200) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.
- b. The Company shall continue to provide at no cost standard installation and basic cable television service on one (1) outlet to City Hall and to each police, fire, emergency management facility and public library in the Municipality and any such new facility constructed during the term of this franchise, provided the facility is located within two hundred (200) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets except for equipment.
- c. Upon written request from the City within the first two (2) years of the Effective Date of this Ordinance, the Company shall make available a dedicated educational access channel ("educational access channel") to be maintained by the Company for the purpose of cablecasting non-commercial educational access programming in conformance with the Company's guidelines and applicable State and federal statutes and regulations. Upon activation of the educational access channel and the return line in connection therewith (in accordance with Section 15d), the currently shared City Channel/educational access channel shall thereafter be utilized solely as the City Channel, with educational access programming to be carried on the newly provided educational access channel.
- d. The Company shall construct and activate, at no cost to the Municipality, an origination site return line for the educational access channel as described in Section 15c of this Ordinance (the "educational access channel return line"). The origination site for the educational access channel return line shall be located at a location to be determined by the City, provided that the site must be within two hundred (200) feet of active cable plant. The City shall notify the Company in writing of the origination site, and the return

line shall be available within six (6) months of such written notification. The educational access channel return line shall remain the property of the Company and the Company shall be responsible for its repair and maintenance.

- e. Within three (3) months of the issuance by the Board of a Renewal Certificate of Approval ("Renewal COA"), the Company shall provide a one-time grant in the amount of two hundred thousand dollars (\$200,000) for PEG access-related production equipment and technology needs.
- f. In the event that the Company changes the City Channel location and/or the educational channel designation (i.e., if the City Channel and/or the educational channel are relocated to a new channel number), the Company shall provide at least sixty (60) days advance written notice to the city of any such change in channel assignment (if commercially practicable), but in no event fewer than thirty (30) days advance written notice. In addition, the Company shall (i) provide notification of such change to subscribers by bill message and on-screen message for a period of two months, commencing as soon as reasonably practical, and (ii) reimburse the Municipality for the reasonable costs incurred by the City with respect to such change, including but not limited to logo modifications, stationery, promotion and advertising, not to exceed ten thousand dollars (\$10,000) for each channel in the aggregate.
- g. Return line from City Hall
 - (1) Within six (6) months of issuance by the Board of a Renewal COA, the Company shall construct a dedicated return line from City Hall to the Company's facilities for the purpose of cablecasting live or taped programs on the City Channel from the City Council Chambers and the City Council Caucus Meeting Room (the "City Hall return line").
 - (2) The City Hall return line shall remain the property of the Company and the Company shall be responsible for its repair and maintenance.
- h. Within three (3) months of the issuance by the Board of a Renewal COA, and annually thereafter for each year of the fifteen (15) year term of the consent granted herein, the Company shall provide to the City, for the benefit of the Jersey City Board of Education, a grant in the amount of eight thousand dollars (\$8,000) for support of a video/communications internship program.

SECTION 16. EDITORIAL CONTROL OVER PUBLIC ACCESS CHANNEL

In accordance with 47 U.S.C. §531(e), Comcast "shall not exercise any editorial control over" the public access content except as to "any public access program or portion of a public access program which contains obscenity, indecency, or nudity.

SECTION 17. RESERVATION OF RIGHTS

In accordance with the Federal Cable Act, 47 U.S.C. §521 et seq., the Company reserves all rights with regard to the pass-through of all franchise obligations.

SECTION 18. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable State and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the Municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 19. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of one million dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of five million dollars (\$5,000,000).

SECTION 20. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendments thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference, provided same do not conflict with applicable State or federal law.

SECTION 21. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance, subject to the provisions of N.J.A.C. 14:17-6,7.

SECTION 22. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 23. THIRD PARTY BENEFICIARIES

Nothing in this franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or franchise.

SECTION 24. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

ATTEST:

City Clerk

APPROVED:

By: _____

Title: Council President

Date: _____

APPROVED:

By: _____

Title: Mayor

APPROVED AS TO LEGAL FORM

APPROVED: _____

APPROVED: _____

Corporation Counsel

Business Administrator

Certification Required ☐Not Required ☐

[Letterhead of Charles L. Smith]

[Date]

Honorable Steven M. Fulop, Mayor
City of Jersey City
City Hall
280 Grove Street
Jersey City, NJ 07302

Dear Mayor Fulop:

As you know, Comcast of New Jersey II, LLC ("Comcast") has recently concluded the franchise renewal process with the City of Jersey City, culminating in the adoption on _____, 2014 by the City of Ordinance No. _____. The Ordinance sets forth the terms and conditions applicable to Comcast's franchise in the City. In addition, certain other matters were discussed by the parties and it is the purpose of this letter to set forth Comcast's commitments with regard thereto.

During the franchise renewal process, the parties discussed the application of federal law with respect to channel location, permitting Comcast sole discretion over channel placement, including as the location of the City Channel. See Section 14c. It is currently contemplated that, within the near future, Comcast may move the City Channel to another channel position. Comcast has indicated that, at the present time, it anticipates changing the channel designation of the City Channel to a channel location somewhere in the range of channel numbers 77 to 88 or 96 to 99. Should such change occur, Comcast has committed to provide advanced written notice to the City; to notify subscribers of same in advance; and to reimburse the municipality for costs regarding same. See Section 15f.

Should a subsequent change of channel position occur with respect to the City Channel (which, pursuant to Section 14c(i), cannot occur for at least three years following the initial change presently contemplated), the advanced notice and reimbursement provisions of Section 15f would also apply. However, in our renewal discussions, the City requested that any such subsequent move of the City Channel be limited. While legal and operational considerations preclude such a commitment, Comcast nevertheless assures the City that, in the event of a subsequent change of channel position with respect to the City Channel, it will place the City Channel adjacent to, nearby, or within the reasonable proximity of other City PEG channels.

The City has also expressed interest in the provision of high-definition ("HD") public, educational and governmental ("PEG") access channels by Comcast. In order to accommodate the City's interest, Comcast agrees that, at the mid-point of the franchise, it will meet with City representatives to review the matter and to determine whether it is appropriate for Comcast to provide HD PEG channels, and if so, under what circumstances (timetable, etc.). In the parties'

Honorable Steven M. Fulop, Mayor

[Date]

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discussions, they shall consider (a) the availability of HD PEG channels in Comcast's cable systems throughout New Jersey; (b) the extent of HD penetration in the Jersey City system; and (c) the reclamation of standard definition PEG channels.

Finally, Comcast agrees to continue to provide videotaping services of City Council Caucus meetings as is currently practiced until the (i) the payment of the access related grant referred to in Section 15e of the Ordinance and (ii) the completion and activation by Comcast of the access channel return line from City Hall referred to in Section 15g of the Ordinance. Upon satisfaction of both provisions, the company's obligation to provide videotaping service of City Council Caucus meetings shall cease.

On behalf of Comcast, I wish to thank the City for the cooperative atmosphere and professional manner in which our discussions have been held. We believe they have resulted in a mutually advantageous agreement that will inure to the benefit of all parties, including subscribers, for years to come. Comcast looks forward to continuing its mutually beneficial relationship with the City.

Very truly yours,

Charles L. Smith III

RESOLUTION FACT SHEET - CONTRACT AWARD

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF JERSEY CITY, LLC, ITS SUCCESSORS AND/OR ASSIGNS, TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF JERSEY CITY, COUNTY OF HUDSON, STATE OF NEW JERSEY

Project Manager

Department/Division	Mayor's Office	
Name/Title	Robert Sommer	Senior Analyst
Phone/email	547-4284	bobsommer26@gmail.com

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Contract Purpose

City Ordinance 98-012 adopted on February 25, 1998 awarded a 15 year franchise to Comcast of Jersey City, LLC (Comcast) to provide cable television service in Jersey City. Prior to the expiration of the franchise on May 14, 2013, the City of Jersey City (City) and Comcast initiated proceedings for the renewal of Comcast's cable television franchise. The City and Comcast have completed the renewal process. This ordinance authorizes a 15 year cable television franchise with Comcast effective as of May 14, 2013 and expiring on May 14, 2028. The State Board of Public Utilities, Office of Cable Television has reviewed and approved the form of the ordinance. Upon adoption of the ordinance, Comcast will execute and deliver to the Mayor the attached letter.

Cost (Identify all sources and amounts)

City receives an annual franchise fee from Comcast pursuant to N.J.S.A.48:5A-30.

Contract term (include all proposed renewals)

Fifteen years effective as of May 14, 2013.

Type of award Cable Television Franchise

If "Other Exception", enter type

Additional Information

Cable Television Franchise awarded pursuant to the Cable Television Act, N.J.S.A. 48:5A-1 et seq.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

City Clerk File No. _____ Ord. 14.156

Agenda No. _____ 3.8 _____ 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.156

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – ARTICLE III PROCEDURES – AS IT
PERTAINS TO THE GENERAL DEVELOPMENT APPLICATION**

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

WHEREAS, the Land Development Ordinance provides for the General Development Application, which all projects for Planning or Zoning Board approvals must complete; and

WHEREAS, from time to time administrative changes and revisions to the Application are necessary in order to collect data in a streamlined and user-friendly manner; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

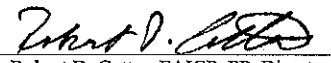
WHEREAS, the Planning Board at its meeting of October 7, 2014 did vote to recommend that the Municipal Council adopt these amendments to the Development Procedures section of the Land Development Ordinance; and

WHEREAS, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as per the attached document;

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Robert D. Cotter, FAICP, PP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 

APPROVED: _____

Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING
AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – ARTICLE III PROCEDURES – AS
IT PERTAINS TO THE GENERAL DEVELOPMENT APPLICATION

Initiator

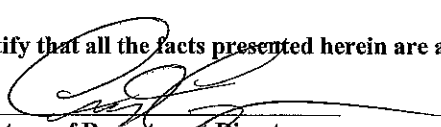
Department/Division	HEDC	City Planning
Name/Title	Robert Cotter, PP, FAICP	Director
Phone/email	201-547-5010	bobbyc@jenj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

This Ordinance will amend the Development Procedures section of the Land Development Ordinance (Zoning Ordinance) to revise and update the General Development Application. Changes are administrative and will add fields such as Ward and FEMA (flood) data.

I certify that all the facts presented herein are accurate.


Signature of Department Director


11/14/14
Date

Department of Housing, Economic Development & Commerce
Division of City Planning



Inter-Office Memorandum

DATE: November 13, 2014
TO: Council President Lavarro, Anthony Cruz, Bob Cotter
FROM: Kristin J. Russell, PP, AICP
SUBJECT: LDO amendment – General Development Application

The Land Development Ordinance includes the application paperwork that is required for all development that goes before the Planning and Zoning Boards. From time to time it becomes necessary to make administrative changes to this document in order to collect project information in the most streamlined and user-friendly manner possible.

At this time we are proposing changes that will add fields pertaining to Ward and FEMA (flood) information, as well as some re-wording for clarity.

None of the proposed changes will burden applicants, as all information is currently requested in other forums already.

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE – ARTICLE III PROCEDURES – AS IT PERTAINS TO THE GENERAL DEVELOPMENT APPLICATION

This Ordinance will amend the Development Procedures section of the Land Development Ordinance (Zoning Ordinance) to revise and update the General Development Application. Changes are administrative and will add fields such as Ward and FEMA (flood) data.



CITY OF JERSEY CITY GENERAL DEVELOPMENT APPLICATION

Jersey City
City Planning Division
 30 Montgomery Street Suite 1400
 Jersey City, NJ 07302-3821
 Phone: 201.547.5010
 Fax: 201.547.4323

THIS SECTION TO BE COMPLETED BY CITY STAFF ONLY

Intake Date:

Application No.

Date Validated as an Application for Development:

Date Deemed Complete:

1. SUBJECT PROPERTY

Address: _____

Block & Lots: _____

Ward: _____

2. BOARD DESIGNATION

☐ Planning Board☐ Zoning Board of Adjustment

3. APPROVALS BEING SOUGHT

<input type="checkbox"/> Conceptual Plan/Informal Review	<input type="checkbox"/> "c" variance(s)/Deviation	<input type="checkbox"/> "A" appeal
<input type="checkbox"/> Minor Site Plan	<input type="checkbox"/> (d) variance(s): use, density, etc.	<input type="checkbox"/> Waiver of Site Plan Requirements
<input type="checkbox"/> Preliminary Major Site Plan	<input type="checkbox"/> Minor Subdivision	<input type="checkbox"/> Interpretation ("B" appeal)
<input type="checkbox"/> Final Major Site Plan	<input type="checkbox"/> Prelim. Major Subdivision	<input type="checkbox"/> Site Plan Amendment
<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Final Major Subdivision	<input type="checkbox"/> Other (fill in) _____

4. PROPOSED DEVELOPMENT

Name & Nature of Use (describe project)

5. VARIANCE/ DEVIATION NOTES

Sections of the Land Development Ordinance or Redevelopment Plan from which relief is requested (List Variances/Deviations):

Applicant's reasons for the Planning Board or Board of Adjustment to grant relief:

6. APPLICANT

Applicant's Name

Street Address

Phone

Fax

City

State

Zip

e-Mail address

**7.
OWNER**

Owner's Name		Street Address		
Phone	Fax	City	State	Zip

**8.
APPLICANT'S
ATTORNEY**

Attorney's Name		Street Address		
Firm's Name		City	State	Zip
Phone	Fax	e-mail address		

**9.
PLAN
PREPARERS**

Engineer's Name & License Number		Street Address		
Firm's Name		City	State	Zip
Phone	Fax	e-mail address		

Surveyor's Name & License Number		Street Address		
Firm's Name		City	State	Zip
Phone	Fax	e-mail address		

Planner's Name & License Number		Street Address		
Firm's Name		City	State	Zip
Phone	Fax	e-mail address		

Architect's Name & License Number		Street Address		
Firm's Name		City	State	Zip
Phone	Fax	e-mail address		

10. SUBJECT PROPERTY DESCRIPTION

Site Acreage (square footage and dimensions):

_____ sf _____ x _____ (dimensions)

Zone District(s): _____

Present use: _____

Redevelopment Area: _____

Historic District: _____

Check all that
apply for present
conditions:

- ☐ Conforming Use
☐ Conforming Structure
☐ Vacant Lot

- ☐ Non-Conforming Use
☐ Non-Conforming Structure

What is your FEMA flood zone and base flood elevation (BFE)?:

Check all that Apply:

☐ Application for a new building on
undeveloped tract

☐ Application for new use of
existing building

☐ Application for use of a
portion of a building

Is the subject building or property on the list of properties eligible for the Historic Register?

☐ yes ☐ no
Is demolition proposed? ☐ yes ☐ no If yes, is building 150+ years old? ☐ yes age: _____ ☐ no

Number of New Buildings: _____

Height table:

	Existing		Proposed	
	Stories	Feet	Stories	Feet
Building				
Addition/Extension				
Rooftop Appurtenances				
Accessory Structures				

Square Footage of applicable building(s) for
this project by use:

Residential		sf
Retail		sf
Office		sf
Industrial		sf
Parking Garage		sf
Other		sf
TOTAL:		sf

Number of dwelling units (if applicable):

Studio		units
1 bedroom		units
2 bedroom		units
3 bedroom		units
4+ bedroom		units
TOTAL:		units

Number of lots before subdivision:

Number of lots after subdivision:

% of lot to be covered by buildings:

%

% of lot to be covered by buildings &
pavement:

%

Gross floor area (GFA):

sf

Floor Area Ratio (FAR):

11. PARKING & SIGNAGE

Number of parking spaces & dimensions: number: _____ / Dimensions: _____
 Number of loading spaces & dimensions: number: _____ / Dimensions: _____

Number of Signs: _____
 Height of monument and/or pylon signs: _____

12. INFRA- STRUCTURE

<u>WATER</u>			
Is public water being extended to the tract and/or reused? If yes, specify size and material.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Size Material		
Does the existing water service have a curb stop?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there existing combined fire/domestic service?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there existing domestic service only?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is new water service being proposed?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there new combined fire/domestic service?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is there new domestic service only?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u>SEWER</u>			
Is existing sewer service proposed to be reused? If yes, specify size and material.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Size Material		
Will there be sewer curb cleanout?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are minimum slope requirements satisfied as per National Standard Plumbing Code?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is new sewer service proposed?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are storm drains proposed?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are any new streets or utility extensions proposed?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
<u>MISC</u>			
Are existing streets being widened		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are utilities underground		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is site in a flood plain?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is soil removal or fill proposed? If yes, specify total in cubic yards.		<input type="checkbox"/> Yes	<input type="checkbox"/> No _____
Are any structures being removed?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the application for additional buildings and/or improvements to a tract having existing buildings and/or improvements?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the property within 200 feet of an adjacent municipality? If yes, which?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Municipalities:		
Is the property on a County Road?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there deed restrictions, covenants, and/or easements affecting the tract? If yes, attach 2 copies.		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are there any performance guarantees and/or maintenance agreements with the City Council? If yes, attach 2 copies.		<input type="checkbox"/> Yes	<input type="checkbox"/> No

13.
TYPE OF
DEVELOPMENT

REQUIRED FOR ALL DEVELOPMENT APPLICATIONS	Total number of new residential units created	Total number of affordable housing units* created	Total number of residential units demolished
New structure containing residential units			
Conversion from a non-residential structure to a structure containing residential units			
Conversion from market rate housing units to NJ COAH defined affordable housing units			

*According to NJ COAH definitions at *N.J.A.C. 5:94 et seq.*

	Moderate Income	Low Income	Very Low Income	Age Restricted	Rental Units
Number of affordable housing units created*					

*According to NJ COAH definitions at *N.J.A.C. 5:94 et seq.*

Use Group Description (These descriptions are pursuant to NJ Council on Affordable Housing N.J.A.C. 5:94 Appendix E, and are for the sole purpose of calculating affordable housing obligation.)	Gross Floor Area of New Construction	Gross Floor Area of Demolition
B: Office buildings. Places where business transactions of all kinds occur. Includes banks, corporate offices, government offices, professional offices, car showrooms and outpatient clinics.		
M: Mercantile uses. Buildings used to display and sell products. Includes retail stores, strip malls, shops and gas stations.		
F: Factories where people make, process, or assemble products. F use group includes F1 and F2.		
S: Storage uses. Includes warehouses, parking garages, and lumberyards. S group includes S1 and S2.		
H: High Hazard manufacturing, processing, generation and storage uses. H group includes H1, H2, H3, H4 and H5.		
A1: Assembly uses including concert halls and TV studios.		
A2: Assembly uses including casinos, night clubs, restaurants and taverns.		
A3: Assembly uses including libraries, lecture halls, arcades, galleries, bowling alleys, funeral parlors, gymnasiums and museums, but excluding houses of worship		
A4: Assembly uses including arenas, skating rinks and pools.		
A5: Assembly uses including bleachers, grandstands, amusement park structures and stadiums		
E: Schools K – 12		
I: Institutional uses such as hospitals, nursing homes, assisted living facilities and jails. I group includes I1, I2, I3 and I4.		
R1: Hotels, motels and dormitories		
U: Miscellaneous uses. Fences, tanks, sheds, greenhouses, etc.		

**14.
APPROVAL
HISTORY**

List all past approvals, denials, appeals, or other activity for the subject property. ☐ Check here if none
If there are previous approvals, attach 2 copies of the approving resolution.

	CITY JOB/CASE NUMBER	APPROVED	DENIED	DATE
Subdivision		<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan		<input type="checkbox"/>	<input type="checkbox"/>	
Variance(s)		<input type="checkbox"/>	<input type="checkbox"/>	
Building Permit		<input type="checkbox"/>	<input type="checkbox"/>	

**15.
FEES**
(see attached fee
schedule)

STAFF CALCULATIONS ONLY		
Subdivision	\$	
Site Plan	\$	
Variance(s)	\$	
TOTAL DUE	\$	
Amount Paid	\$	
BALANCE DUE	\$	

**16.
ATTACHMENTS**

Please Attach the required additional forms and information, if applicable (see attached **FORMS** and **CHECKLISTS**)

**17.
CERTIFICATION**

<p>I certify that the foregoing statements and the attached materials submitted are true. I further certify that I am the individual applicant or that I am an Officer of the Corporate Applicant and that I am authorized to sign the application for the Corporation or that I am a General Partner of the Partnership Applicant. I hereby permit authorized City official to inspect my property in conjunction with this application.</p>	
<p>Sworn to and subscribed before me this date _____</p>	
<p>Signature of Applicant _____</p>	
<p>Property Owner Authorizing Application if other than Applicant _____</p>	<p>Notary Public _____</p>

City Clerk File No. Ord. 14.157

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.157

TITLE:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS) OF THE JERSEY CITY CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, N.J.S.A. 40:69A-43a requires that the Mayor subject to pertinent civil service regulations and contractual obligations and within the limits of the municipal budget, by Executive Order, fix the salaries and other compensation of employees assigned to all administrative departments; and

WHEREAS, N.J.S.A. 40:69A-43a requires that the Municipal Council by ordinance fix the salaries and other compensation of certain employees, such as the Tax Collector; and

WHEREAS, the Tax Collector has taken on additional responsibilities related to the financial management and monitoring of tax abatements; and

WHEREAS, the compensation of the Tax Collector should be increased as a result of these additional duties and functions.

NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City:

A. The following amendments and supplements to Chapter A351 (Executive Orders) of the Jersey City Code are adopted:

Fixed Salaries
(Base without CPI)

Title

100,000

Tax Collector

1. The Tax Collector's base salary shall be increased by \$10,000 for as long as the duties and responsibilities related to the financial management and monitoring of tax abatements remain within the tax collector's office.

2. In the event these additional functions are assigned to another person and office the base salary shall revert back to the current salary plus any Consumer Price Index (CPI) increase received pursuant to Sec. 53-6(D) of the Municipal Code.

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: Words in [brackets] are omitted; New material is underlined.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

VS/ms
11/18/14

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS) OF THE CITY OF JERSEY CITY (Tax Collector)

Initiator

Department/Division	Administration	
Name/Title	Bob Kakoleski	Business Administrator
Phone/email	201-547-5147	

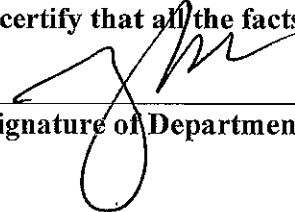
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

The duties and responsibilities of the tax abatement manager were transferred to the tax collector in 2011. This ordinance recognizes the additional work performed by this position. Therefore, the action being requested is to increase the base salary of the tax collector by \$10,000.

The ordinance also stipulates in the event the financial review and management of abatements is transferred to another individual or office, then the \$10,000 will be removed from the tax collector's base salary.

I certify that all the facts presented herein are accurate.



Signature of Department Director



Date

City Clerk File No. Ord. 14.158

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.158

TITLE:
**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
A351 (EXECUTIVE ORDERS) OF THE JERSEY CITY CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. The following amendments and supplements to Chapter A351 (Executive Orders) of the Jersey City Code are adopted:

<u>Title</u>	<u>Labor Grade</u>	<u>Fixed Salaries</u>
Deputy City Clerk		Up to 70,000 <u>Up to 95,000</u>
Deputy Tax Assessor		<u>Up to 95,000</u>
<u>Assistant Municipal Tax Collector</u>		<u>Up to 95,000</u>

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: Words in [brackets] are omitted; New material is underlined.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

VS/ms
11/18/14

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____

Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS) OF THE CITY OF JERSEY CITY (Deputy Clerk, Deputy Assessor, Asst. Municipal Tax Collector)

Initiator

Department/Division	Administration	
Name/Title	Bob Kakoleski	Business Administrator
Phone/email	201-547-5147	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

This ordinance increases the maximum base salary from \$70,000 to \$95,000 for the "Deputy City Clerk" and "Deputy Tax Assessor". The ordinance has not been updated since 2004 and the affected employees have exceeded the authorized salary from cost of living increases received since 2004.

The ordinance also adds the title "Assistant Municipal Tax Collector" to same salary guidelines. For consistency purposes, the deputies/assistants for the statutory positions (City Clerk, Tax Assessor and Tax Collector) should be treated equally.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

City Clerk File No. Ord. 14.159

Agenda No. 3.E 1st Reading

Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.159

TITLE: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL), SECTION 53-6 (VACATION AND OTHER COMPENSATION) AND SECTION 53-11 (FIXED SALARIES) REINSTATING CONSUMER PRICE INDEX (CPI)

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, N.J.S.A. 40:69A-43a requires that the Mayor subject to pertinent civil service regulations and contractual obligations and within the limits of the municipal budget, by Executive Order fix the salaries and other compensation of employees assigned to all administrative departments; and

WHEREAS, the Mayor by Executive Order established benefits for unclassified and managerial executives within his authority in compliance with N.J.S.A. 40:69A-43a; and

WHEREAS, union members receive their salary and benefits by contract, which the Mayor negotiates and by resolution the council approves pursuant to N.J.S.A. 40:69A-43a; and

WHEREAS, N.J.S.A. 40:69A-43a requires that the Municipal Council by ordinance fix the salaries and other compensation of certain employees, such as the Mayor, Council Members, Department Directors, Municipal Clerk and his Deputies, Tax Assessor and his Deputies, Tax Collector and her Assistants, the Chief Financial Officer and Municipal Court Judges; and

WHEREAS, the Council by ordinance sets the salaries of those employees within its statutory authority.

NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City:

A. The following amendments and supplements to Chapter 53 (Personnel) of the Jersey City Code are adopted:

Sec. 53-6. Vacation and other compensation.

A. No change.

B. No change.

C. No change

D. All employees whose salary and other compensation are required by law to be fixed by ordinance, except ~~{Council Members,}~~ Council Aides¹ ~~{and Municipal Court Judges}~~, shall receive an annual increase in base salary equal to the annual percentage increase in the

¹ Council Aides receive a salary fixed by ordinance that shall not exceed \$15,000 pursuant to N.J.S.A. 40:69A-60.5

Implicit Price Deflator for State and Local Government Purchases of Goods and Services promulgated annually by the Director of Local Government Services pursuant to N.J.S.A. 40A:4-45.1a, provided that:

(1) No such annual increase shall exceed three and five-tenths percent (3.5%); and

(2) ~~However,~~ the first such increase shall take effect on ~~[July 1, 1995]~~ November 1, 2014 in the amount of two and five-tenths percent (2.5%) of the base salary. Subsequent increases shall take effect on ~~[January 1, 1996]~~ January 1, 2016 and annually thereafter for those Employees covered by this section then on the payroll based upon the rate promulgated in the prior year.

Sec. 53-7. No change.

Sec. 53-8. No change.

Sec. 53-9. No change.

Sec. 53-10. No change.

Sec. 53-11. **Fixed Salaries.**

(Base with CPI)*	Title
	Business Administrator
	Chief Financial Officer/Municipal Chief
	Financial Officer
	City Clerk
	Corporation Counsel
	Deputy City Clerk
	Deputy Tax Assessor
	Director, Department of [Finance] <u>Human Resources</u>
	Director, Department of Health and Human Services
	Director, Department of Housing, Economic Development, and Commerce
	Director, Department of Public Safety
	Director, Department of Public Works
	Director, Department of Recreation
	Mayor
	Tax Assessor
	Tax Collector
	<u>Assistant Municipal Tax Collector</u>
	<u>Council Members</u>

<u>Municipal Court Judges</u>

* The CPI increase to Base Salaries as set forth in Section 53-~~11~~ 6 (Personnel) shall ~~not~~ be provided for the above stated Titles** ~~until~~ as reinstated by this Ordinance.

**Note: ~~[Council Members,]~~ Council Aides ~~[and Municipal Court Judges]~~ do not receive the CPI Increase in accordance with Section 53-~~14~~ 6.

Sec. 53-12. No change.

Sec. 53-13. No change.

Sec. 53-14. No change.

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: Words in ~~[brackets]~~ are omitted; New material is underlined.
For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

VS/ms
11/17/14

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required ☐

Not Required ☐

APPROVED: _____

APPROVED: _____
Business Administrator

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53-6 (VACATION AND OTHER COMPENSATION) AND SECTION 43-11 (FIXED SALARIES) REINSTATING CONSUMER PRICE INDEX(CPI)

Initiator

Department/Division	Administration	
Name/Title	Bob Kakoleski	Business Administrator
Phone/email	201-547-5147	

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

This ordinance re-establishes annual increase in base salary for officials whose salaries are fixed by ordinance equal to the annual percentage increase in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services promulgated annually by the NJ Director of Local Government Services, pursuant to N.J.S.A. 40A:4-45. The previous ordinance was cancelled in 2009.

The ordinance adds the following positions to this ordinance: Asst. Municipal Tax Collector, Municipal Council, Municipal Judges, Director of Human Resources

The ordinance also legislates a 2.5% base salary increase effective 11/1/14 and then the CPI increases will begin January 1, 2016.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

11/19/14

City Clerk File No. Ord. 14.160

Agenda No. 3.F 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.160

TITLE: ORDINANCE AUTHORIZING THE TERMINATION OF AN EXISTING DEED NOTICE AND THE IMPOSITION OF A NEW DEED NOTICE ON PROPERTY OWNED BY THE CITY OF JERSEY CITY KNOWN AS 362 SUMMIT AVENUE ALSO KNOWN AS BLOCK 12301, LOT 2

WHEREAS, the City of Jersey City ("City") is the owner of 362 Summit Avenue also known as Block 12301, Lot 2 ("Property") which is currently used as a parking lot for the Jersey City Justice Complex which is located across the street; and

WHEREAS, because of soil conditions at the Property, the City was required by the New Jersey Department of Environmental Protection ("NJDEP") to execute a Deed Notice that was recorded in the Hudson County Register's Office on July 25, 2002 in Deed Book 37540 at page 007878 that restricts the use of the Property to non-residential uses; and

WHEREAS, the Property may now be used for residential purposes because of recent changes pertaining to NJDEP laws and regulations; and

WHEREAS, the City desires to convey the Property to the Jersey City Redevelopment Agency who will then convey the Property to Vaishno Ma Summit, LLC for the purpose of constructing a building that will contain approximately 55-65 residential market rate rental units ("Project"); and

WHEREAS, in order for the project to proceed, it is necessary that the existing Deed Notice that affects the Property be terminated and that a new Deed Notice that will permit residential development on the Property be approved by the City and recorded in the Office of the Hudson County Register.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- 1) The Mayor or Business Administrator is authorized to execute the termination of Deed Notice attached hereto as Exhibit "A" that affects 362 Summit Avenue;
- 2) The Mayor or Business Administrator is authorized to execute the new Deed Notice for 362 Summit Avenue that is attached hereto as Exhibit "B"; and
- 3) The Mayor or Business Administrator is authorized to execute such other documents necessary or appropriate to effectuate the purposes of this Ordinance.

RR/m
11/18/14

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

RESOLUTION FACT SHEET - CONTRACT AWARD

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AUTHORIZING THE TERMINATION OF AN EXISTING DEED NOTICE AND THE IMPOSITION OF A NEW DEED NOTICE ON PROPERTY OWNED BY THE CITY OF JERSEY CITY KNOWN AS 362 SUMMIT AVENUE ALSO KNOWN AS BLOCK 12301, LOT 2

Project Manager

Department/Division	Administration & JCRA	<division>
Name/Title	Robert Kakoleski & David Donnelly	Business Administrator & Executive Director
Phone/email	201-547- 4647 & 201-761-0821	KakoleskiR@jcnj.org & ddonnelly@jcnj.org

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Contract Purpose

The City is the owner of 362 Summit Avenue also known as Block 12301, Lot 2 ("Property") which is currently used as a parking lot for the Jersey City Justice Complex which is located across the street. Because of soil conditions at the Property, the City was required by the New Jersey Department of Environmental Protection ("NJDEP") to execute a Deed Notice that restricts the use of the Property to non-residential uses. The NJDEP is now allowing the Property to be used for residential purposes. The City desires to convey the Property to the Jersey City Redevelopment Agency who will then convey the Property to a developer to construct a residential rental building. In order for the project to proceed, it is necessary that the existing Deed Notice that affects the Property be terminated and that a new Deed Notice that will permit residential development on the Property be approved by the City and recorded in the Office of the Hudson County Register.

Cost (Identify all sources and amounts)

Not Applicable

Contract term (include all proposed renewals)

Not Applicable

Type of award

Not Applicable

If "Other Exception", enter type**Additional Information**

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

EXHIBIT A

TERMINATION OF DEED NOTICE

FILED AT THE OFFICE OF THE
REGISTER OF HUDSON COUNTY

IN DEED BOOK 37540, Pages 007878 - 007890

AS TO

BLOCK 12301, Lot 2; (formerly known as Block 1883, Lot 28; f/k/a Block 1883, Lots 10A, 10B, 11A and Plot B), TAX MAP OF THE City of Jersey City

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED
IN THE SAME MANNER AS DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by:

James P. Mack

Recorded by:

This Termination of Deed Notice is made as of October ____, 2014 by the City of Jersey City.

1. DEED NOTICE RECORDED IN THE OFFICE OF THE REGISTER OF HUDSON COUNTY, AT BOOK 37540, PAGES 007878 - 007890. By way of a Declaration of Environmental Restriction (DER) or Deed Notice (hereinafter collectively Deed Notice) dated July 25, 2002, Jersey City Redevelopment Agency advised of: (a) the existence of soil contamination in concentrations at the real property situated in the City of Jersey City and designated as Block 1883, Lot 28 (now known as Block 12301, Lot 2) ("the Property") on the Tax Map of Jersey City that do not allow for the unrestricted use of the Property; (b) the existence of institutional and/or engineering controls selected as part of the remedial action for the Property; and (c) the continuing obligation of Jersey City Redevelopment Agency, subsequent owners, and others to monitor and maintain those institutional and/or engineering controls. The Deed Notice was part of the remediation of contamination at the Property and was recorded in the Office of the Register of Hudson County on July 25, 2002 in Deed Book 37540 Pages 007878 - 007891 by Jersey City Redevelopment Agency the then owner of the Property. Pursuant to Paragraph 10, the Deed Notice was to remain in effect until such time as the Department approved the termination of the Deed Notice by executing a document expressly terminating the Deed Notice.

2. TRANSFER OF THE PROPERTY. By Deed dated October 23, 2002 and recorded in the Office of the Register of Hudson County on October 31, 2002 in Book 6705, Page 62, Jersey City Redevelopment Agency transferred ownership of Block 12301, Lot 2 (f/k/a Block 1883, Lot 28) to the City of Jersey City subject to the Deed Notice.

3. TERMINATION OF DEED NOTICE RECORDED IN THE OFFICE OF THE ° REGISTER OF HUDSON COUNTY AT BOOK 37540, PAGES 007878 - 007890 AS TO BLOCK 12301 Lot 2 (formerly known as Block 1883, Lot 28; previously known as Block 1883 Lots 10A, 10B, 11A and Plot B). By way of letter dated October __, 2014, James P Mack, LSRP/JPM-LLC, on behalf of the City of Jersey City and the contract purchaser/designated redeveloper of the Property, Vaishno Ma Summit, LLC, requested approval from the Department to terminate the Deed Notice because conditions that required the execution and recording of the Deed Notice no longer exist on Block 12301; Lot 2 (formerly known as Block 1883, Lot 28). The Department approved the request by way of letter dated _____. Accordingly, the Department hereby executes this Termination of Deed Notice. Subject to the provisions of paragraph 5 below, the Department directs that the Deed Notice recorded in the Office of the Register of Hudson County in Deed Book 37540, Pages 007878 - 007891 shall be terminated and discharged. A metes and bounds description of Block 12301, Lot 2, formerly known as Block 1883, Lot 28 (and previously known as Block 1883; Lots 10A, 10B, 1A and Plot B) and a scaled map showing the boundaries of Block 12301, Lot 2 are attached hereto as Exhibits A and B, respectively.

4. EXECUTION OF NEW DEED NOTICE FOR BLOCK 1883, LOT 28. Although the Department has determined that a change in conditions warrants the termination of the Deed Notice as to Block 1883, Lot 28 (now known as Block 12301, Lot 2), the Department also has determined that soil contamination remains on Block 1883, Lot 28 (now known as Block 12301, Lot 2), in concentrations that do not allow for the unrestricted use of the Property. Thus, the approved remedial action includes a new Deed Notice for Block 1883, Lot 28. The new Deed Notice shall be executed and recorded by the City of Jersey City.

5. EFFECTIVE DATE OF TERMINATION OF DEED NOTICE. This Termination of Deed Notice shall take effect on the date this Termination of Deed Notice or the date the new Deed Notice for Block 12301, Lot 2 is recorded in the Office of the Register of Hudson County, whichever is later, or, if this Termination of Deed Notice and the new Deed Notice are simultaneously recorded in the Office of the Register of Hudson County, on the date of such simultaneous recording.

6. SIGNATURES IN WITNESS WHEREOF. City of Jersey City and the New Jersey Department of Environmental Protection have executed this Termination of Deed Notice, as of the date first written above.

WITNESS:

City of Jersey City

[Signature]

[Signature]

[Print name]

[Print name]

[Print title]

STATE OF NEW JERSEY SS.:
COUNTY OF HUDSON

I certify that on _____, _____ personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the [insert official title] of [the City of Jersey City], the municipal corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper municipal officer who is the [insert official title] of the City of Jersey City;

(c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;

(d) this person knows the proper seal of the corporation which was affixed to this document; and

(e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print Name and Title of Attesting Witness]

[Signature]

Notary Public

[Print name]

WITNESS:

New Jersey Department of Environmental Protection

[Signature]

By: _____
[Signature]

[Print name and title]

[Print name and title]

STATE OF NEW JERSEY SS.:
COUNTY OF MERCER

I certify that on [Month day, year], [Insert name of person executing document on behalf of the New Jersey Department Environmental Protection] personally came before me, and this person acknowledged under oath, to my satisfaction, that this person:

(a) Is [insert title] and is authorized to execute this document on behalf of the New Jersey Department of Environmental Protection;

(b) Signed, sealed and delivered this document as his or her act and deed in his capacity as [title] of the New Jersey Department of Environmental Protection; and

(c) This document was signed and delivered by the New Jersey Department of Environmental Protection as its voluntary act, duly authorized.

_____, Notary Public
[Signature]

[Print name]

RECORD AND RETURN TO:

James P. Mack
James P. Mack, LLC
25 Starview Drive
Hillsborough, NJ 08844

EXHIBIT A

Metes and Bounds Description

EXHIBIT B

Scaled Tax Map of the Property and Institutional/Engineering Control Boundaries

EXHIBIT B

DEED NOTICE

IN ACCORDANCE WITH N.J.S.A. 58:10B-13, THIS DOCUMENT IS TO BE RECORDED IN THE SAME MANNER AS ARE DEEDS AND OTHER INTERESTS IN REAL PROPERTY.

Prepared by: _____
James P. Mack, LSRP

Recorded by: _____
[Signature, Officer of County Recording Office]

[Print name below signature]

DEED NOTICE

This Deed Notice is made as of the ____ day of October, 2014, by City of Jersey City (together with its successors and assigns, collectively "Owner").

1. **THE PROPERTY.** The City of Jersey City, 280 Grove Street, Jersey City, NJ 07302, is the owner in fee simple of certain real property designated as Block 12301, Lot 2, on the tax map of the City of Jersey City, Hudson County; the New Jersey Department of Environmental Protection Program Interest Number for the contaminated site which includes this property is SRP PI # 033540; and the property is more particularly described in Exhibit A, which is attached hereto and made a part hereof (the "Property").

2. REMEDIATION.

i. James P. Mack, LSRP License Number 576435 has approved this Deed Notice as an institutional control for the Property, which is part of the remediation of the Property.

ii. N.J.A.C. 7:26C-7 requires the Owner, among other persons, to obtain a soil remedial action permit for the soil remedial action at the Property. That permit will contain the monitoring, maintenance and biennial certification requirements that apply to the Property.

3. **SOIL CONTAMINATION.** The Jersey City Redevelopment Authority has remediated contaminated soil at the Property, such that soil contamination remains in certain areas of the Property that contains contaminants in concentrations that do not allow for the unrestricted use of the Property; this soil contamination is described, including the type, concentration and specific location of such contaminants, in Exhibit B, which is attached hereto and made a part hereof. As

a result, there is a statutory requirement for this Deed Notice and engineering controls in accordance with N.J.S.A. 58:10B-13.

4. **CONSIDERATION.** In accordance with the remedial action for the site which included the Property, and in consideration of the terms and conditions of that remedial action, and other good and valuable consideration, Owner has agreed to subject the Property to certain statutory and regulatory requirements that impose restrictions upon the use of the Property, to restrict certain uses of the Property, and to provide notice to subsequent owners, lessees and operators of the restrictions and the monitoring, maintenance, and biennial certification requirements outlined in this Deed Notice and required by law, as set forth herein.

5A. **RESTRICTED AREAS.** Due to the presence of contamination remaining at concentrations that do not allow for unrestricted use, the Owner has agreed, as part of the remedial action for the Property, to restrict the use of certain parts of the Property (the "Restricted Areas"); a narrative description of these restrictions is provided in Exhibit C, which is attached hereto and made a part hereof. The Owner has also agreed to maintain a list of these restrictions on site for inspection by governmental officials.

5B. **RESTRICTED LAND USES.** The following statutory land use restrictions apply to the Restricted Areas:

i. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(10), prohibits the conversion of a contaminated site, remediated to non-residential soil remediation standards that require the maintenance of engineering or institutional controls, to a child care facility, or public, private, or charter school without the Department's prior written approval, unless a presumptive remedy is implemented; and

ii. The Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-12.g(12), prohibits the conversion of a landfill, with gas venting systems and or leachate collection systems, to a single family residence or a child care facility without the Department's prior written approval.

5C. **ENGINEERING CONTROLS.** Due to the presence and concentration of these contaminants, the Owner has also agreed, as part of the remedial action for the Property, to the placement of certain engineering controls on the Property; a narrative description of these engineering controls is provided in Exhibit C.]

6A. **CHANGE IN OWNERSHIP AND REZONING.**

i. The Owner and the subsequent owners and lessees, shall cause all leases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring all holders thereof to take the Property subject to the restrictions contained herein and to comply with all, and not to violate any of the conditions of this Deed Notice. Nothing contained in this Paragraph shall be construed as limiting any obligation of any person to provide any notice required by any law, regulation, or order of any governmental authority.

ii. The Owner and the subsequent owners shall provide written notice to the Department of Environmental Protection on a form provided by the Department and available at www.nj.gov/srp/forms within thirty (30) calendar days after the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of the owner's interest in the Restricted Area.

iii. The Owner and the subsequent owners shall provide written notice to the Department, on a form available from the Department at www.nj.gov/srp/forms, within thirty (30) calendar days after the owner's petition for or filing of any document initiating a rezoning of the Property to residential.

6B. SUCCESSORS AND ASSIGNS. This Deed Notice shall be binding upon Owner and upon Owner's successors and assigns, and subsequent owners, lessees and operators while each is an owner, lessee, or operator of the Property.

7A. ALTERATIONS, IMPROVEMENTS, AND DISTURBANCES.

i. The Owner and all subsequent owners and lessees shall notify any person, including, without limitation, tenants, employees of tenants, and contractors, intending to conduct invasive work or excavate within the Restricted Areas, of the nature and location of contamination in the Restricted Areas, and, of the precautions necessary to minimize potential human exposure to contaminants.

ii. Except as provided in Paragraph 7B, below, no person shall make, or allow to be made, any alteration, improvement, or disturbance in, to, or about the Property which disturbs any engineering control at the Property without first obtaining a soil remedial action permit modification pursuant to N.J.A.C. 7:26C-7. Nothing herein shall constitute a waiver of the obligation of any person to comply with all applicable laws and regulations including, without limitation, the applicable rules of the Occupational Safety and Health Administration.

iii. Notwithstanding subparagraph 7Aii., above, a soil remedial action permit modification is not required for any alteration, improvement, or disturbance provided that the owner, lessee or operator:

(A) Notifies the Department of Environmental Protection of the activity by calling the DEP Hotline, at 1-877-WARN-DEP or 1-877-927-6337, within twenty-four (24) hours after the beginning of each alteration, improvement, or disturbance;

(B) Restores any disturbance of an engineering control to pre-disturbance conditions within sixty (60) calendar days after the initiation of the alteration, improvement or disturbance;

(C) Ensures that all applicable worker health and safety laws and regulations are followed during the alteration, improvement, or disturbance, and during the restoration;

(D) Ensures that human exposure to contamination in excess of the remediation standards does not occur; and

(E) Describes, in the next biennial certification the nature of the alteration, improvement, or disturbance, the dates and duration of the alteration, improvement, or disturbance, the name of key individuals and their affiliations conducting the alteration, improvement, or disturbance, a description of the notice the Owner gave to those persons prior to the disturbance.

7B. EMERGENCIES. In the event of an emergency which presents, or may present, an unacceptable risk to the public health and safety, or to the environment, or immediate environmental concern, see N.J.S.A. 58:10C-2, any person may temporarily breach an engineering control provided that that person complies with each of the following:

i. Immediately notifies the Department of Environmental Protection of the emergency, by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337;

ii. Hires a Licensed Site Remediation Professional (unless the Restricted Areas includes an unregulated heating oil tank) to respond to the emergency;

iii. Limits both the actual disturbance and the time needed for the disturbance to the minimum reasonably necessary to adequately respond to the emergency;

iv. Implements all measures necessary to limit actual or potential, present or future risk of exposure to humans or the environment to the contamination;

v. Notifies the Department of Environmental Protection when the emergency or immediate environmental concern has ended by calling the DEP Hotline at 1-877-WARNDEP or 1-877-927-6337; and

vi. Restores the engineering control to the pre-emergency conditions as soon as possible, and provides notification to the Department of Environmental Protection within sixty (60) calendar days after completion of the restoration of the engineering control, including: (a) the nature and likely cause of the emergency; (b) the potential discharges of or exposures to contaminants, if any, that may have occurred; (c) the measures that have been taken to mitigate the effects of the emergency on human health and the environment; (d) the measures completed or implemented to restore the engineering control; and (e) the changes to the engineering control or site operation and maintenance plan to prevent reoccurrence of such conditions in the future.

8. TERMINATION OF DEED NOTICE.

i. This Deed Notice may be terminated only upon filing of a Termination of Deed Notice, available at N.J.A.C. 7:26C Appendix C, with the office of the Register of Deeds and Mortgages of Hudson County, New Jersey, expressly terminating this Deed Notice.

ii. Within thirty (30) calendar days after the filing of a Termination of Deed Notice, the owner of the property shall apply to the Department for termination of the soil remedial action permit pursuant to N.J.A.C. 7:26C-7.

9. ACCESS. The Owner, and the subsequent owners, lessees and operators agree to allow the Department, its agents and representatives access to the Property to inspect and evaluate the continued protectiveness of the remedial action that includes this Deed Notice and to conduct additional remediation to ensure the protection of the public health and safety and of the environment if the subsequent owners, lessees and operators, during their ownership, tenancy, or operation, and the Owner fail to conduct such remediation pursuant to this Deed Notice as required by law. The Owner, and the subsequent owners and lessees, shall also cause all leases, subleases, grants, and other written transfers of an interest in the Restricted Areas to contain a provision expressly requiring that all holders thereof provide such access to the Department.

10. ENFORCEMENT OF VIOLATIONS.

i. This Deed Notice itself is not intended to create any interest in real estate in favor of the Department of Environmental Protection, nor to create a lien against the Property, but merely is intended to provide notice of certain conditions and restrictions on the Property and to reflect the regulatory and statutory obligations imposed as a conditional remedial action for this site.

ii. The restrictions provided herein may be enforceable solely by the Department against any person who violates this Deed Notice. To enforce violations of this Deed Notice, the Department may initiate one or more enforcement actions pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C, and require additional remediation and assess damages pursuant to N.J.S.A. 58:10-23.11, and N.J.S.A. 58:10C.

11. SEVERABILITY. If any court of competent jurisdiction determines that any provision of this Deed Notice requires modification, such provision shall be deemed to have been modified automatically to conform to such requirements. If a court of competent jurisdiction determines that any provision of this Deed Notice is invalid or unenforceable and the provision is of such a nature that it cannot be modified, the provision shall be deemed deleted from this instrument as though the provision had never been included herein. In either case, the remaining provisions of this Deed Notice shall remain in full force and effect.

12A. EXHIBIT A. Exhibit A includes the following maps of the Property and the vicinity:

i. Exhibit A-1: Vicinity Map - A map that identifies by name the roads, and other important geographical features in the vicinity of the Property (for example, USGS Quad map, Hagstrom County Maps);

ii. Exhibit A-2: Metes and Bounds Description - A tax map of lots and blocks as well as metes and bounds description of the Property, including reference to tax lot and block numbers for the Property;

iii. Exhibit A-3: Property Map - A scaled map of the Property, scaled at one inch to 200 feet or less, and if more than one map is submitted, the maps shall be presented as overlays, keyed to a base map; and the Property Map shall include diagrams of major surface topographical features such as buildings, roads, and parking lots.

12B. EXHIBIT B. Exhibit B includes the following descriptions of the Restricted Areas:

i. Exhibit B-1: Restricted Area Map - A separate map for each restricted area that includes:

(A) As-built diagrams of each engineering control, including caps, fences, slurry walls, (and, if any) ground water monitoring wells, extent of the ground water classification exception area, pumping and treatment systems that may be required as part of a ground water engineering control in addition to the deed notice

(B) As-built diagrams of any buildings, roads, parking lots and other structures that function as engineering controls; and

(C) Designation of all soil and sediment sample locations within the restricted areas that exceed any soil or sediment standard that are keyed into one of the tables described in the following paragraph.

ii. Exhibit B-2: Restricted Area Data Table - A separate table for each restricted area that includes either (A) or (B) through (F):

(A) Only for historic fill extending over the entire site or a portion of the site and for which analytical data are limited or do not exist, a narrative that states that historic fill is present at the site, a description of the fill material (e.g., ash, cinders, brick, dredge material), and a statement that such material may include, but is not limited to, contaminants such as PAHs and metals;

(B) Sample location designation from Restricted Area map (Exhibit B-1);

(C) Sample elevation based upon mean sea level;

(D) Name and chemical abstract service registry number of each contaminant with a concentration that exceeds the unrestricted use standard;

(E) The restricted and unrestricted use standards for each contaminant in the table; and

(F) The remaining concentration of each contaminant at each sample location at each elevation.

12C. EXHIBIT C. Exhibit C includes narrative descriptions of the institutional and engineering controls as follows:

i. Exhibit C-1: Deed Notice as Institutional Control: Exhibit C-1 includes a narrative description of the restriction and obligations of this Deed Notice that are in addition to those described above, as follows:

- (A) Description and estimated size of the Restricted Areas as described above;
- (B) Description of the restrictions on the Property by operation of this Deed Notice;
and
- (C) The objective of the restrictions.

ii. Exhibit C-2: Asphalt Bituminous Pavement: Exhibit C-2 includes a narrative description of Asphalt Bituminous Pavement as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function

iii. Exhibit C-3: Concrete Sidewalks: Exhibit C-3 includes a narrative description of Concrete Sidewalks as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function

iv. Exhibit C-4: Ornamental Planter Islands: Exhibit C-4 includes a narrative description of Ornamental Planter Islands as follows:

- (A) Description of the engineering control;
- (B) The objective of the engineering control; and
- (C) How the engineering control is intended to function

13. SIGNATURES. IN WITNESS WHEREOF, Owner has executed this Deed Notice as of the date first written above.

WITNESS:

City of Jersey City

[Signature]

[Signature]

[Print name]

[Print name]

[Print title]

STATE OF NEW JERSEY SS.:
COUNTY OF HUDSON

I certify that on _____, _____ personally came before me, and this person acknowledged under oath, to my satisfaction, that:

(a) this person is the [insert official title] of [the City of Jersey City], the municipal corporation named in this document;

(b) this person is the attesting witness to the signing of this document by the proper municipal officer who is the [insert official title] of the City of Jersey City;

(c) this document was signed and delivered by the corporation as its voluntary act and was duly authorized;

(d) this person knows the proper seal of the corporation which was affixed to this document;
and

(e) this person signed this proof to attest to the truth of these facts.

[Signature]

[Print Name and Title of Attesting Witness]

_____, Notary Public

[Signature]

[Print name]

City Clerk File No. Ord. 14.161

Agenda No. 3.6 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.161

TITLE: ORDINANCE RESCINDING ORDINANCE 14-112 AND TERMINATING THE FIVE (5) YEAR TAX AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND JERSEY AVENUE MM, LLC, AT THE REQUEST OF THE OWNER

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, on or about March 11, 2014, Jersey Avenue MM, LLC [Jersey Avenue MM] applied for a five (5) year tax exemption under NJSA 40A:21-1 et seq., and Section 304-12 of the Jersey City Municipal Code, for land and improvements on a property known as Block 12704, Lot 28.01, and more commonly known by the street address of 532-536 Jersey Avenue and 168-172 Christopher Columbus Drive [Property]; and

WHEREAS, Jersey Avenue MM was to construct a new multiple dwelling with commercial space in a six (6) story building with a penthouse level on the Property, which will contain approximately seventy-six (76) residential rental units; approximately 11,011 square feet of ground floor retail/commercial rental space; and a below grade parking garage with thirty-five (35) parking spaces [Project]; and

WHEREAS, by adoption of Ordinance 14-112 on October 8, 2014, the City of Jersey City [City] approved the five (5) year tax exemption; and

WHEREAS, since the adoption of Ordinance 14-112, Jersey Avenue MM has stated they no longer want the tax abatement, and therefore have requested the exemption to be terminated and Ordinance 14-112 be rescinded.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The tax exemption approved by Ordinance 14-112 is rescinded at the request of the Property owner. See letter dated October 20, 2014, attached hereto.
2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
3. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
4. This Ordinance shall take effect at the time and in the manner provided by the law.

NOTE: All material is new; therefore, underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face**
and repealed matter by *italic*.

JM/he
11/12/14

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

CONNELL FOLEY LLP

ATTORNEYS AT LAW

HARBORSIDE FINANCIAL CENTER
2510 PLAZA FIVE
JERSEY CITY, NJ 07311
(201) 521-1000
FAX: (201) 521-0100

OTHER OFFICES

85 LIVINGSTON AVENUE
ROSELAND, NJ 07068
(973) 535-0500
FAX: (973) 535-9217

PORT LIBERTÉ
23 CHAPEL AVENUE
JERSEY CITY, NJ 07305
(201) 521-0200
FAX: (201) 706-2160

1500 MARKET STREET
12TH FLOOR
EAST TOWER
PHILADELPHIA, PA 19101
(215) 246-3403
FAX: (215) 665-5727

388 SEVENTH AVENUE
9TH FLOOR
NEW YORK, NY 10106
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MATTHEW A. BAKER+
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NICHOLAS W. URCIUOLI
GENEVIEVE L. FAIRCLOUGH
CHRISTINA SARTORIO*
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DANIEL E. BONILLA*
CAITLIN PETRY CASCINO*
THOMAS FORRESTER, JR.
KARA M. STEGER-
VICTORIA K. PAGOS*
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AMANDA M. CURLEY
SCOTT M. PRESS*
MEGAN M. KOVOVICH
READE W. SELIGMANN
JOSEPH L. LINARES*

PLEASE REPLY TO JERSEY CITY, NJ

October 20, 2014

*ALSO ADMITTED IN NEW YORK
+ALSO ADMITTED IN PENNSYLVANIA
-ONLY ADMITTED IN NEW YORK

Writer's Email: charrington@connellfoley.com

VIA E-MAIL & HAND DELIVERY

Diana Jeffrey, Esq.
Assistant Corporation Counsel
City of Jersey City, Department of Law
280 Grove Street
Jersey City, New Jersey 07302

Re: Application for Five Year Tax Exemption:
Applicant: Jersey Avenue MM, LLC
Project: 532-536 Jersey Avenue and 168-172 Christopher Columbus Drive
A Mixed Use (residential/commercial) Project
Block 12704, Lot 28.01 (f/k/a 20, 21, 28 and 29), Jersey City, NJ

Dear Ms. Jeffrey:

Please be advised that my client has decided not to proceed with the tax abatement that was recently approved for this project at a second reading on October 8, 2014 (Ordinance 14.112). Please note your records accordingly.

Thank you for your review of this matter in the meantime.

Very truly yours,

Charles J. Harrington, III

CJH/ga

cc: Joanne Monahan, Esq., via e-mail
Hjordys Espinal, via e-mail
Maureen Cosgrove, via e-mail
Eduardo Toloza, via e-mail
Albert E. Cameron, Jr., via e-mail
Leonela Fantin, via e-mail
Thomas Campbell, via e-mail

City Clerk File No. Ord. 14.162

Agenda No. 3.H 1st Reading

Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.162

TITLE: ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROVING AN ADDENDUM TO THE 2005 AMENDED AND RESTATED WATER SERVICES FRANCHISE AND SERVICE AGREEMENT BETWEEN THE CITY AND THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY TO REVISE SCHEDULE C TO INCREASE THE PAYMENTS TO THE CITY

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City (City) currently owns a water utility (hereinafter referred to and more specifically defined as the "Water System"), which provides water service (Water Services) within and outside the geographic boundaries of the City; and

WHEREAS, the Jersey City Sewerage Authority, created by the City pursuant to N.J.S.A. 40:14A-1, et seq., and reorganized as the Jersey City Municipal Utilities Authority (Authority) by ordinance of the City adopted on December 10, 1997, operates a sewer system (hereinafter referred to and more specifically defined as the "Sewer System") providing for sewerage service (the "Sewerage Service") to the residents, businesses and inhabitants of the City, and pursuant to a Franchise and Service Agreement, dated as of February 1, 1998 (the "Original Franchise Agreement") as amended and restated by an Amended and Restated Water Services Franchise and Service Agreement dated as of May 1, 2003 between the City and the Authority (the "2003 Amendment" and together with the Original Franchise Agreement, the "Franchise Agreement") operates the City's Water System until December 31, 2027 (the "Franchise Period"); and

WHEREAS, to enable the Authority to keep the Water System in good repair and working order, including making long term capital improvements, to meet the water needs of the residents and property owners of the City and other users of the Water System and to minimize the City's liability to the bondholders of the Authority for obligations issued from time to time for the Water System as set forth in the 2005 Amended and Restated Water Services Franchise and Service Agreement (the "2005 Amended Agreement"), the City approved and amendment to the Franchise Agreement by the adoption of Ordinance 05-106 on September 14, 2005; and

WHEREAS, a revenue surplus has now arisen at the Authority as the result of an expansion of the City's water customer base; and

WHEREAS, as a result, the Authority has agreed to increase the Annual Franchise Fee paid to the City of Jersey City, by revising Schedule C to the 2005 Amended and Restated Water Services Franchise and Service Agreement; and

WHEREAS, the City and the Authority have determined that is in the best interests of the City and Water System users to amend "Schedule C" to enable the Authority to increase franchise fees paid to the City.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROVING
AN ADDENDUM TO THE 2005 AMENDED AND RESTATED WATER SERVICES FRANCHISE AND
SERVICE AGREEMENT BETWEEN THE CITY AND THE JERSEY CITY MUNICIPAL UTILITIES
AUTHORITY TO REVISE SCHEDULE C TO INCREASE THE PAYMENTS TO THE CITY

1. Schedule C attached to the 2005 Amended and Restated Water Services Franchise and Service Agreement, is hereby amended to increase the franchise fees to be paid by the Authority to the City. See "10/31/2014 Revision to Schedule C" attached hereto; and
2. The Mayor is hereby authorized to execute an Addendum to the 2005 Amended and Restated Water Services Franchise and Service Agreement with the form of "Schedule C" attached hereto, and any other documents appropriate or necessary to effectuate the purpose of the within ordinance.
3. The Clerk of the City is hereby authorized and directed, upon the execution of the Addendum to the 2005 Amended and Restated Water Services Franchise and Service Agreement, to attest to the signature of the Authorized Officer upon such document, and is hereby further authorized and directed thereupon affix the corporate seal of the City upon such document.
4. Upon the execution and attestation and placing of the seal upon the Addendum to the 2005 Amended and Restated Water Services Franchise and Service Agreement, an Authorized Officer is hereby authorized and directed to (i) deliver the fully executed, attested and sealed document to the Authority and (ii) perform such other actions as the Authorized Officer deem necessary or desirable in relation to the execution and delivery of the Addendum to the 2005 Amended and Restated Water Services Franchise and Service Agreement.
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect at the time and in the manner as provided by law.
 - D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face**
and repealed matter by *italic*.

JM/he
11/19/14

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET -- NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

Ordinance of the City of Jersey City, in the County of Hudson, New Jersey, Approving an Addendum to the 2005 Amended and Restated Water Services Franchise and Service Agreement Between the City and the Jersey City Municipal Utilities Authority to Revise Schedule C to increase the Payments to the City

Initiator

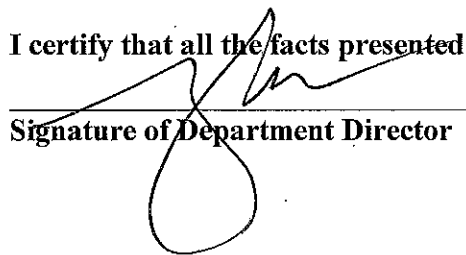
Department/Division	Administration	Administration
Name/Title	Robert J. Kakoleski	Business Administrator
Phone/email	(201) 547-4642	RKakoleski@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

A revenue surplus has now arisen at the Authority as the result of an expansion of the City's water customer base. As a result, the Authority has agreed to increase the Annual Franchise Fee paid to the City of Jersey City, by revising Schedule C to the 2005 Amended and Restated Water Services Franchise and Service Agreement. The City and the Authority have determined that is in the best interests of the City and Water System users to amend "Schedule C" to enable the Authority to increase franchise fees paid to the City.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

CITY OF JERSEY CITY

ANNUAL FRANCHISE FEE DUE FROM JCMUA

SCHEDULE C

<u>YEAR</u>		<u>3/31/2010</u>		<i>Amendment</i> <u>10/31/2014</u>
2011	\$	12,000,000	\$	12,000,000
2012	\$	12,500,000	\$	12,500,000
2013	\$	13,000,000	\$	13,000,000
2014	\$	14,500,000	\$	14,500,000
2015	\$	15,000,000	\$	19,000,000
2016	\$	18,000,000	\$	20,000,000
2017	\$	19,000,000	\$	21,000,000
2018	\$	19,000,000	\$	21,000,000
2019	\$	19,500,000	\$	21,000,000
2020	\$	19,500,000	\$	22,000,000
2021	\$	20,000,000	\$	22,000,000
2022	\$	20,000,000	\$	22,000,000
2023	\$	20,000,000	\$	22,000,000
2024	\$	20,000,000	\$	23,000,000
2025	\$	20,000,000	\$	23,000,000
2026	\$	20,000,000	\$	23,000,000
2027	\$	20,000,000	\$	23,000,000

City Clerk File No. Ord. 14.163
Agenda No. 3.1 1st Reading
Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.163

**TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 (FEE & CHARGES)
SECTION I (FEE SCHEDULE ESTABLISHED) OF THE JERSEY CITY MUNICIPAL
CODE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following amendments to Chapter 160 (Fees & Charges) Section I (Fee Schedule Established) are hereby adopted:

FEES & CHARGES

SECTION I Fee Schedule Established

§160-1. - Fee schedule established.

Fees shall be as follows:

- A. Through Y.1. No Change.

- Z. Chapter 239. Parks and Recreation Areas.

- (1) No Change.

- (2) Fees for individual and group rentals of the ice-skating rink.

- (a) Fees for daily use of the ice-skating rink by individuals are as follows:

- [1] Residents.

[a] Adults 19 years of age and older: \$3.

[b] Children under 18 years of age: \$1.50.

[c] Seniors 65 years of age or older: \$1.

- [2] Nonresidents.

[a] Adults 19 years of age and older: \$5.

[b] Children under 18 years of age: \$3.

[c] Seniors 65 years of age and older: \$2.

- (b) ~~[The ice-skating rink may be rented by hockey teams and any other groups or organizations for group activities at the following rates]~~ Rentals for hockey teams:

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 (FEE & CHARGES)
SECTION I (FEE SCHEDULE ESTABLISHED) OF THE JERSEY CITY MUNICIPAL CODE

[1] ~~[Residents (51% or more): \$150 per hour.] Hockey teams submitting proof of a roster comprised of at least 51% of residents or the dependants of active full-time employees of the City: \$75 an hour.~~

[a] All other hockey teams: \$200 an hour.

[2] ~~[Nonresidents: \$200 per hour.] Other groups or organizations:~~

[a] Residents (51% or more): \$150 per hour.

[b] Non-residents: \$200 per hour.

(c) Through UU. No Change.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

JM/he
11/20/14

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

RESOLUTION FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 160 (FEE & CHARGES) SECTION I (FEE SCHEDULE ESTABLISHED) OF THE JERSEY CITY MUNICIPAL CODE

Initiator

Department/Division	City Clerk	Council
Name/Title	Rolando Lavarro	Council President
Phone/email	(201) 547-5268	RLavarro@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Resolution Purpose

To decrease the fees for hockey teams with a roster of at least 51% of residents or dependants of active full-time employees of the City.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date